

IN THE DRAWINGS

The attached sheets of drawings include changes to Figs. 3a, 3b, and 4. These sheets, which include Figs. 3a, 3b, and 4, replace the original sheets including Figs. 3a, 3b, and 4.

Attachment: Replacement Sheets

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in view of the present amendment and in light of the following discussion, is respectfully requested.

Claims 12-14, 17-19, and 22-24 are pending. In the present amendment, Claims 12, 13, 19, and 23 are currently amended, and Claim 20 is canceled without prejudice or disclaimer. Support for the present amendment can be found in the original specification, for example, at page 12, line 9 to page 14, line 9, and in Figures 1a, 1b, 2, 3a, 3b, and 4. Thus, it is respectfully submitted that no new matter is added.

In the outstanding Office Action, Claim 13 was objected to; Claims 12, 19-20, and 23 were rejected under 35 U.S.C. § 103(a) as unpatentable over Schiminski et al. (U.S. Patent No. 4,431,138) in view of Green (U.S. Patent No. 3,041,663); Claims 13, 17, and 24 were rejected under 35 U.S.C. § 103(a) as unpatentable over Schiminski in view of Green, and further in view of Westrich (U.S. Patent No. 6,105,896); and Claims 14, 18, and 22 were rejected under 35 U.S.C. § 103(a) as unpatentable over Schiminski in view of Green, and further in view of Sakurauchi (Japanese Publication No. 06-329437, hereinafter "Sakurauchi").

Figures 3a, 3b, and 4 are hereby amended to correct some minor informalities to be consistent with the specification. It is respectfully submitted that no new matter is added.

In response to the objection Claim 13, a period is hereby added to the end of Claim 13, as suggested by the Office Action. Accordingly, it is respectfully requested that the objection to Claim 13 be withdrawn.

Turning now to the rejections under 35 U.S.C. § 103(a), Applicants respectfully request reconsideration of these rejections and traverse these rejections, as discussed below.

Amended Claim 12 recites:

A winding machine, comprising:

a frame including a barrel positioned on the frame;

at least two spindles fastened to the barrel, each of the spindles being configured to support at least one cake and to be movable in rotation about a first axis substantially perpendicular to a diameter of the cake;

at least one positioning and guidance device configured to position and guide at least one thread on the spindles;

a linear actuator configured to continuously drive the spindles linearly in forward and reverse directions along the first axis during winding of the at least one thread; and

a thread retraction device positioned above the at least one positioning and guidance device and configured to displace the at least one thread by grasping the thread and rotating between a first position, in which the at least one thread is retracted from the positioning and guidance device, and a second position, in which the at least one thread is engaged with the positioning and guidance device,

wherein the barrel is mounted movably in rotation with respect to the frame along a third axis of rotation substantially parallel to the first axis.

The winding machine recited in amended Claim 12 includes a thread retraction device positioned above the at least one positioning and guidance device. In the exemplary embodiments shown in Figures 3a and 4, the thread retraction device grasps the thread and rotates between a first position in which the thread is retracted from the positioning and guidance device and a second position in which the thread is engaged with the positioning and guidance device.¹ It is respectfully submitted that the cited references do not disclose or suggest every feature recited in amended Claim 12.

Schiminski describes a yarn winding apparatus including a bobbin 7 placed on a first winding chuck 9.1 on which a thread 6 is wound.² Additionally, Schiminski describes a yarn traverse device 1 which includes a traversing yarn guide 3 to move the yarn 6 to different

¹ See the original specification, for example, at page 12, line 9 to page 14, line 9.

² See Schiminski, at column 3, lines 30-35 and in Figure 1a.

positions on the bobbin 7.³ Schiminski also describes an auxiliary yarn guide 11 that lifts the thread 6 out of the traversing yarn guide 3 such that the thread 6 can be moved outside a range of a traverse stroke CH.⁴ The Office Action, on page 3, equates the auxiliary yarn guide 11 described in Schiminski to the claimed “thread retraction device.”

However, it is respectfully submitted that Schiminski does not disclose or suggest “a thread retraction device positioned above the at least one positioning and guidance device and configured to displace the at least one thread by grasping the thread and rotating between a first position, in which the at least one thread is retracted from the positioning and guidance device, and a second position, in which the at least one thread is engaged with the positioning and guidance device,” as recited in amended Claim 12.

Instead, as can be seen in Figures 1 and 1a of Schiminski, the auxiliary yarn guide 11 is not positioned above the yarn traverse device 1. Further, the auxiliary yarn guide 11 moves in a side-to-side direction as shown by arrow 16 and Figure 3 of Schiminski and does not rotate. Further, as explained on lines 42-46 of column 6 of Schiminski, the auxiliary yarn guide 11 does not grasp the thread 6 to move it from a retracted position to a position in which the thread 6 engages with the yarn traverse device 1. Instead, the auxiliary yarn guide 11 releases the thread 6 to allow the thread 6 to move from a retracted position to a position where it is recaptured by the yarn guide 3 due to the tension in the yarn. Thus, the thread retraction device described in Schiminski is not the claimed “thread retraction device.”

Green describes an apparatus for winding fibers on a tube including a guide 20 over which the glass filaments pass.⁵ However, it is respectfully submitted that Green does not cure the above-noted deficiencies of Schiminski.

³ See Schiminski, at column 3, lines 26-33 and in Figure 1.

⁴ See Schiminski, at column 4, lines 1-6 and in Figures 2 and 3.

⁵ See Green, at column 2, lines 34-36 and in Figures 1 and 2.

Accordingly, it is respectfully submitted that the combination of Schiminski and Green does not disclose or suggest every feature recited in amended Claim 12. Thus, it is respectfully requested that the rejection of Claim 12, and all claims dependent thereon, as unpatentable over Schiminski in view of Green be withdrawn.

Independent Claim 23 recites, in part, a method for winding cakes, including “grasping a thread with a thread retraction device positioned above a positioning and guidance device and rotating the thread retraction device grasping the thread between a first position, in which the thread is retracted from the positioning and guidance device, and a second position, in which the thread is engaged with the positioning and guidance device.”


In view of the above discussion of Schiminski and Green with respect to Claim 12, it is respectfully submitted that the combination of Schiminski and Green does not disclose or suggest every feature recited in amended Claim 23. Thus, it is respectfully requested that the rejection of Claim 23 as unpatentable over Schiminski in view of Green be withdrawn.

Turning now to the remaining rejections in the Office Action, Applicants respectfully submit that neither of the remaining secondary references (Westrick and Sakurauchi) cure the deficiencies noted above with respect to Schiminski and Green. Therefore, for at least the reasons discussed above, it is respectfully submitted that Claims 13, 14, 17, 18, 22, and 24 also patentably define over the cited references. Thus, it is respectfully requested that the rejections of Claims 13, 14, 17, 18, 22, and 24 be withdrawn.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal allowance. A Notice of Allowance is earnestly solicited.

Respectfully submitted,

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